The remainder of this Part of the Memorandum contains a detailed description of the groundwater protection standards procedure in new ch. 160, Stats.

A. ESTABLISHMENT OF ENFORCEMENT STANDARDS

Enforcement standards define when a violation has occurred. When a substance is detected in groundwater in concentrations equal to or greater than its enforcement standard, the activity, practice or facility which is the source of the substance is subject to immediate enforcement action.

The DNR first establishes enforcement standards for substances which are either listed in Act 410 or are submitted to the DNR by a regulatory agency. The DNR determines which of those substances are of public health concern and which are of concern only to the public welfare.

The DHSS is directed to recommend to DNR enforcement standards for substances of public health concern. New ch. 160, Stats., provides a procedure which requires DHSS to recommend certain existing federal standards as enforcement standards, unless a federal standard does not exist for a substance or unless specified conditions are met in determining a standard other than the federal standard. Following the submittal of the DHSS recommendations, the DNR adopts enforcement standards for the substances of public health concern.

For substances which are of public welfare concern only, the DNR alone formulates the enforcement standard. New ch. 160, Stats., creates a procedure which requires DNR to adopt existing federal standards as enforcement standards, unless one does not exist for a substance or unless specified conditions are met in determining a standard other than the federal standard.

Enforcement standards are adopted by the DNR by rule.

B. ESTABLISHMENT OF PREVENTIVE ACTION LIMITS

The preventive action limits for substances function as a "warning level" to determine the need for regulatory responses when a substance is detected in groundwater. Exceeding a preventive action limit creates the possibility that some regulatory response may be necessary. Where a preventive action limit is attained or exceeded, the regulatory agency is required to evaluate the situation and take action necessary to maintain the concentration of the substance at the preventive action limit or at the lowest concentration feasible if the limit has been exceeded. Preventive action limits are intended to provide regulatory agencies with time to take preventive measures to ensure that enforcement standards are not attained or exceeded.

The DNR establishes a preventive action limit for each substance for which an enforcement standard has been established. The preventive action limit is a lesser concentration of the substance, as compared to the enforcement stan-